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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,854	02/19/2004	Toshihiko Matsunaga	31759-201213	2462
26694	7590	02/08/2008		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER SIEDLER, DOROTHY S	
			ART UNIT	PAPER NUMBER
			2626	
			MAIL DATE	DELIVERY MODE
			02/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/780,854

Applicant(s)

MATSUNAGA ET AL.

Examiner

Dorothy Sarah Siedler

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the originals of the first document and the second document". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites similar limitations, and is therefore rejected for the same reasons.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 15 falls within a judicial exception as it merely claims abstract idea. Claim 15 recites "A document relationship inspection program which inspects etc.", however a program is functional descriptive material *per se*. The MPEP requires functional

descriptive material, i.e. a program or software, to be recorded or encoded on a computer-readable medium, therefore causing a functional and structural interrelationship between the descriptive material and the medium. This structural and functional interrelationship enables, with the use of technology, the realization of the descriptive material.

Lacking the claim language as required by the MPEP, claim 15 recites functional descriptive material per se and as such are non-statutory.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by *Ito* (5,140,522).

As per claim 1, *Ito* discloses a document relationship inspection apparatus which inspects the relationship between constituent elements of a first document and constituent elements of a second document, comprising:

a logical structure parsing section which parses a logical structure of a sentence block including at least one sentence in the constituent elements of the first document

and which parses a logical structure of a sentence block including at least one sentence in the constituent elements of the second document (column 4 lines 40-65 and column 5 lines 44-60, *words and sentences are used to measure the similarity between a first language input data (second document) and a first language storage data (first document), therefore it is inherent that each type of data was parsed*); and

a relationship detection section which detects the relationship between the sentence block of the first document and the sentence block of the second document on the basis of a parsing result from the logical structure parsing section (column 4 lines 40-65 and column 5 lines 44-60, *sentences and/or words from input data D1 (second document) are compared to sentences and/or words from the storage unit data D2 (first document) to determine a similarity*).

As per claim 2, *Ito* discloses a document relationship inspection apparatus according to claim 1, wherein the relationship detection section when sentence blocks of the same document have a hierarchical structure, detects the relationship related to the sentence block at an upper hierarchy and then detects the relationship of a sentence block at a lower hierarchy (column 4 lines 40-45, *every sentence from the input data D1 is compared to determine a similarity with the storage data D2*).

As per claim 3, *Ito* discloses a document relationship inspection apparatus according to claim 1, wherein the relationship detection section comprises a first degree-of-similarity calculation section which calculates a predetermined degree of similarity between a sentence block related to the first document and a sentence block related to the second document (column 4 lines 40-65, *every sentence from the input data D1(second document) is compared to determine a similarity with the storage data D2 (first document)*), when the sentence blocks of the same document have a hierarchical structure, the relationship of a block having a higher degree of similarity in sentence blocks at the same hierarchy is preferentially detected, and the first degree-of-similarity detection section is controlled to increase the degree of similarity of a sentence block which is near the sentence block the relationship of which is detected in the document (column 6 lines 47-54, *the similar sentences are obtained and displayed, and the user can then choose the correct sentence, or input the correct sentence and its translation*).

As per claim 4, *Ito* discloses a translation process apparatus which uses a parallel-translation dictionary in which a parallel translation between original sentences and translated sentences in a first document is registered to perform a translation process of an original of a second document serving as a revised-edition document obtained by changing at least a part of the first document, comprising:

a document relationship inspection apparatus according to claim 1 (column 4 lines 40-65 and column 5 lines 44-60); and

a block translation process section which executes a translation process using the parallel-translation dictionary to at least a sentence block the relationship of which is detected by the document relationship inspection apparatus in sentence blocks included in an original related to the second document (column 4 lines 14-20, *translation candidates for the input data D1 are determined, using the translation sentences corresponding to the similar D2 data*).

As per claim 5, *It*o discloses a translation process apparatus according to claim 4, comprising a first difference information display section which, when a translation result of the sentence block the relationship of which is detected by the document relationship inspection apparatus is displayed, first difference information representing a difference between the originals of the first document and the second document (Figure 5B and 5C, *the input data D1 (second document) is displayed with similar sentences and their translations, detected from the corresponding storage data (first document)*)).

As per claim 6, *It*o discloses a translation process apparatus according to claim 4, comprising a second difference information display section which, when sentence blocks of the same document has a hierarchical structure, displays second difference information representing a difference between a sentence block of an upper hierarchy to which the sentence block the relationship of which is detected by the document relationship inspection apparatus belongs and the original of the first document (column

4 lines 40-65, every sentence from the input data D1(second document) is compared to determine a similarity with the storage data D2 (first document) and Figure 5B and 5C, the input data D1 (second document) is displayed with similar sentences and their translations, detected from the corresponding storage data (first document)).

As per claim 7, *Ito* discloses a translation process apparatus according to claim 4, comprising:

a second degree-of-similarity calculation section which calculates a predetermined degree of similarity between the sentence block of the original related to the first document and the sentence block of the original related to the second document (column 4 lines 40-65, every sentence from the input data D1 (second document) is compared to determine a similarity with the storage data D2 (first document)); and

a corresponding candidate process section which stores, as corresponding candidate blocks, sentence blocks the degrees of similarity of which are detected by the second degree-of-similarity and which are not less than a predetermined threshold value to display the sentence blocks depending on dialogue with a user (column 5 lines 55-64, a similarity measurement is determined based on matching 80% of the words in each sentence, its use dependent upon a command from the).



As per claim 8, this claim recites limitations similar to claim 1, and is therefore rejected for similar reasons.

As per claim 9, this claim recites limitations similar to claim 2, and is therefore rejected for similar reasons.

As per claim 10, this claim recites limitations similar to claim 3, and is therefore rejected for similar reasons.

As per claim 11, this claim recites limitations similar to claim 4, and is therefore rejected for similar reasons.

As per claim 12, this claim recites limitations similar to claim 5, and is therefore rejected for similar reasons.

As per claim 13, this claim recites limitations similar to claim 6, and is therefore rejected for similar reasons.

As per claim 14, this claim recites limitations similar to claim 7, and is therefore rejected for similar reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ito*.

As per claim 15, *Ito* discloses a document relationship inspection method and apparatus which inspects the relationship between constituent elements of a first document and constituent elements of a second document, which parses a logical structure of a sentence block including at least one sentence in the constituent elements of the first document and which parses a logical structure of a sentence block including at least one sentence in the constituent elements of the second document; and a relationship detection function which detects the relationship between the sentence block of the first document and the sentence block of the second document on the basis of a parsing result from the logical structure parsing section (column 4 lines 40-65 and column 5 lines 44-60).

*Ito* does not disclose a program which inspects the relationship between constituent elements of a first document and constituent elements of a second document, causing a computer to realize a logical structure parsing function as stated in the previous paragraph. However, *Ito* does disclose the use of a keyboard as input and a CRT screen for display (column 3 lines 55-60), which suggests that the apparatus is a computer.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of *Ito* on a program, since a computer can perform the required computations at speeds far greater and more accurately than a human, thus reducing processing time and producing much more reliable results.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Sarah Siedler whose telephone number is 571-270-1067. The examiner can normally be reached on Mon-Thur 9:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSS

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER